

## **BENSALEM TOWNSHIP**

Building and Planning Department
2400 Byberry Road • Bensalem PA 19020
215-633-3644 • FAX 215-633-3653

### SUBDIVISION AND LAND DEVELOPMENT APPLICATION SITE AND PLAN CHARACTERISTICS

							,	
CHE	CK ONE:	DATE OF SUBMISS	SION:					
	Sketch Plan	Tax Parcel #	2-45-31-1					
	Lot Line Change	Location	1411 Ford Road				100	
	Minor Subdivision	Zoning Classification	on L-I Light Industrial District			I District		
	Minor Land Development	Proposed # of Lots	s or Leaseholds1			1		
	Preliminary Subdivision	Area of Commercial	cial Bldg of Addition (sf)			19,380 SF	building addition	
$\boxtimes$	Preliminary Land Development	Name of Developme	ment VIP Wire		eless			
	Final Subdivision	Proposed Use	Wareho		using and S	Storage		
	Final Land Development	Site Area (ac)			84 Ac.	(net)		
	Conditional Use	Development Area	rea (ac) 1.84 Ac		84 Ac.			
	Other							
SUBMISSION IS TO INCLUDE A DISC WITH APPLICATION AND PLAN(S) IN PDF FILE FORMAT or email same to jmryan@bensalem-township.org.								
1.	Name, address & phone No. of App	olicant:	VIP Wireless c/o Greg Berger					
			1366 Ford Road					
	&n	Bensalen		lem, PA 1	9020			
	day		215-671-9700					
	Signature		Daytime Contact Number					
2.	Name, address & phone No. of Atto	orney:	Thomas R. Hecker					
	(if other than applicant)		Begley, Carlin and Mandio					
			680 Middletown Boulevard Langhorne, PA 19047					
			215-750-0110					
	Signature				Dayti	ime Contact Nun	nber	
3.	Name, address & phone No. of Owner:		1411 (One) Ford Road, LLC c/o Daniel Snyder					
			South 21st Street					
	Shan			lelphia, PA	phia, PA 19103			
	Ary		215-671-9700  Daytime Contact Number					
	Signature				Dayii	ime Coniaci Nun	wer	
4.	Name, address & phone No. of Person	Designing Plan:	n: Lawrence J. Byrne, PE					
	/		Eastern/Chadrow Associates, Inc.					
	$A \wedge D$	_	333 East Street Road Warminster, PA 18974					
	L. 11 Dyne		215-672-8671					
	Signature				Dayt	ime Contact Nun	nber	



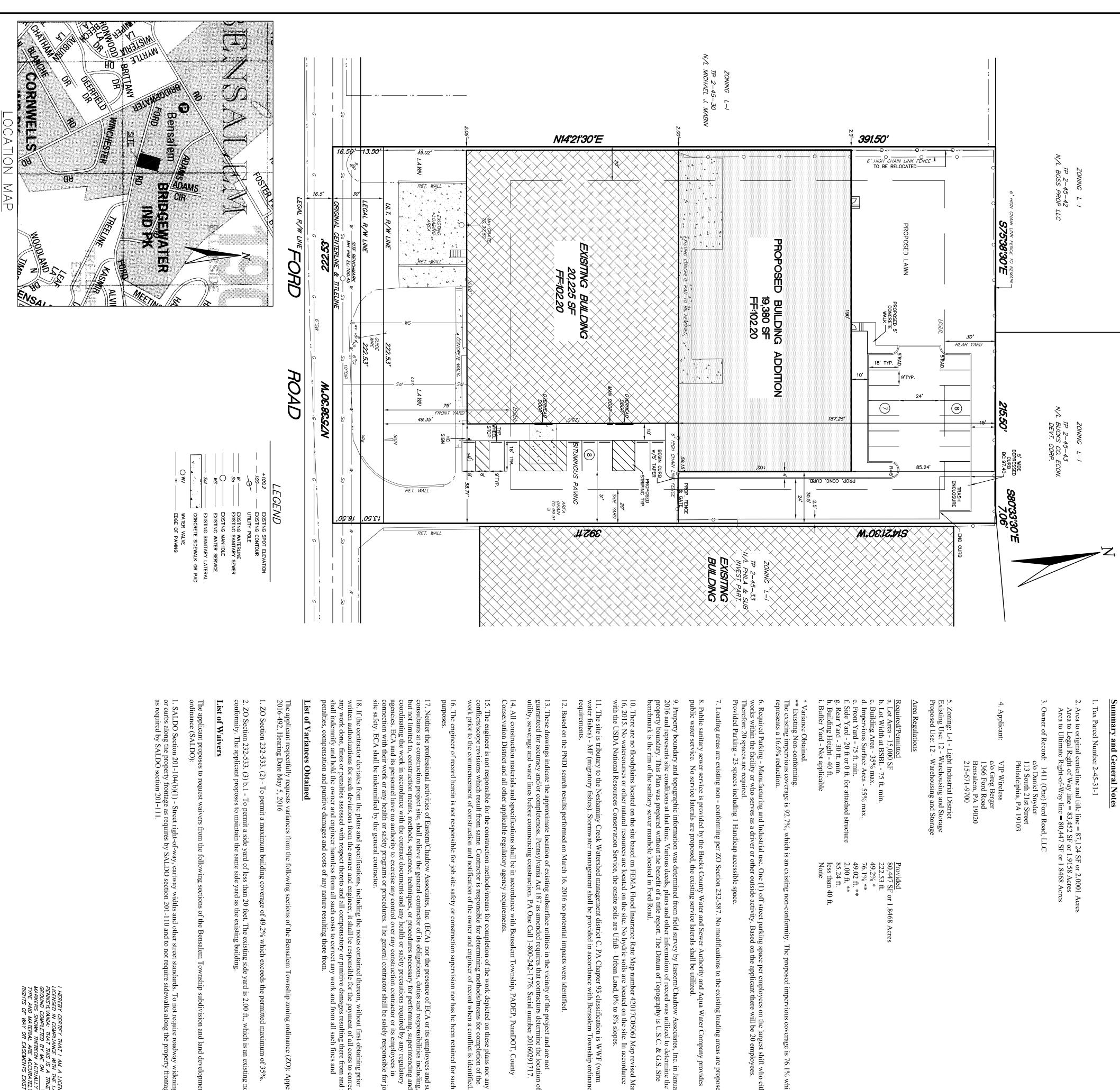
### **BENSALEM TOWNSHIP**

Building and Planning Department 2400 Byberry Road • Bensalem PA 19020 215-633-3644 • FAX 215-633-3653

### SUBDIVISION AND LAND DEVELOPMENT APPLICATION SITE AND PLAN CHARACTERISTICS

HECK ONE:	DATE OF SUBMI	ISSION				
Sketch Plan	Tax Parcel #	2-45-	2-45-31-1			
Lot Line Change	Location	1411	Ford Road			
Minor Subdivision	Zoning Classifica	tion L-I Lig	ght Industrial District			
Minor Land Development	Proposed # of Lo	ts or Leaseho	as 1			
Preliminary Subdivision	Area of Commerc	cial Blog of Ad	dition (sf) 19.380 SF building a	ddition		
Preliminary Land Development	Name of Develop	ment	VIP Wireless			
Final Subdivision	Proposed Use		Warehousing and Storage			
Final Land Development	Site Area (ac)		1.84 Ac (net)			
Conditional Use	Development A	rea (ac)	1.84 Ac			
Other						
r email same to jmryan@bens			and Comp Daniel			
Name, address & phone No. of	Applicant	VIP Wireless c/o Greg Berger				
		1366 Ford Road				
		_				
12		And a process of the second part of the second	PA 19020			
- Stay 1-		Bensalem 215-671-9				
f some		215-671-9	700 Pastino Conast Sambor			
Name, address & phone No. of		215-671-9 Thomas R	700 Austria Comus Sumbo			
f some		215-671-9 Thomas R Begley, Ca	700  **********************************			
Name, address & phone No. of other than applican		215-671-9 Thomas R Begley, Ca	700  Hecker  arlin and Mandio  etown Boulevard Langhorne, PA 1	9047		
Name, address & phone No. of		215-671-9 Thomas R Begley, Ca	Hecker arlin and Mandio etown Boulevard Langhorne, PA 1	9047		
Name, address & phone No. of other than applican		215-671-9 Thomas R Begley, Ca	700  Hecker  arlin and Mandio  etown Boulevard Langhorne, PA 1	9047		
Name, address & phone No. of other than applican	м	215-671-9 Thomas R Begley, Ca 680 Middle 215-750-0	Hecker arlin and Mandio etown Boulevard Langhorne, PA 1			
Name, address & phone No. of other than applicant themas & Hully	м	215-671-9 Thomas R Begley, Ca 680 Middle 215-750-0	Hecker arlin and Mandio etown Boulevard Langhorne, PA 1			
Name, address & phone No. of other than applicant themas & Hully	м	215-671-9 Thomas R Begley, Ca 680 Middle 215-750-0	Hecker  arlin and Mandio  etown Boulevard Langhorne, PA 1  110  Tourne Contact Summer  ) Ford Road, LLC c/o Daniel Snyd			
Name, address & phone No. of other than applicant themas & Hully	м	215-671-9 Thomas R Begley, Ca 680 Middle 215-750-0	Hecker  arlin and Mandio  etown Boulevard Langhorne, PA 1  110  Ford Road, LLC c/o Daniel Snyd 21st Street  ia. PA 19103			
Name, address & phone No. of other than applicant themas & Hully	м	Thomas R Begley, Ca 680 Middle 215-750-0 1411 (One 113 South Philadelph	Hecker  arlin and Mandio  etown Boulevard Langhorne, PA 1  110  Ford Road, LLC c/o Daniel Snyd  21st Street  ia. PA 19103			
Name, address & phone No. of other than applicant themas & Hully	Owner	215-671-9 Thomas R Begley, Ca 680 Middle 215-750-0 1411 (One 113 South Philadelph 215-671-9	Hecker  arlin and Mandio  etown Boulevard Langhorne, PA 1  110  Ford Road, LLC c/o Daniel Snyd 21st Street  ia. PA 19103			
Name, address & phone No. of other than applicant the Name address & phone No. of	Owner	Thomas R Begley, Ca 680 Middle 215-750-0 1411 (One 113 South Philadelph 215-671-9	Hecker  arlin and Mandio etown Boulevard Langhorne, PA 1  110  Every Contact Number  ) Ford Road, LLC c/o Daniel Snyd 21st Street  ia. PA 19103  700			
Name, address & phone No. of other than applicant the Name address & phone No. of	Owner	Thomas R Begley, Ca 680 Middle 215-750-0  1411 (One 113 South Philadelph 215-671-9  Lawrence Eastern/Ca	Hecker  arlin and Mandio  etown Boulevard Langhorne, PA 1  110  Ford Road, LLC c/o Daniel Snyd  21st Street  ia PA 19103  700  Language Contact Summer  J. Byrne, PE	ler		

5.	Has pare	Has parcel ever been subject to subdivision or land development approval?  Yes  If Yes: Date of Approval							
	11 100.	Plan Title	Bridgewater Industrial Park, Section II						
		Recording Date	October 6, 1972						
		Plan Book	101						
		Page	40					> .	
6.	Has par	_	ef from the Zoning Hearing I	Board?	Yes				
٠.				2016-492 de	escion June 2,	2016			
7			.,	_				2010	
7.		Deed restrictions that apply or are being contemplated. If no restrictions, state none. If yes, attach copy.							
	None								
8.	Liet pror	acced improvements	and utilities to be installed:						
٥.		List proposed improvements and utilities to be installed:  Proposed improvements shall be a 19,380 SF building addtion.							
	Propose	ed improvements si	nall be a 19,380 or buildi	ling addition	on.				
					-				
9.			and any other documents su						
		Plan of Land Develo		Stormw	vater mana	agement Repo	ort		
		2. Existing Features / Demolition Plan							
		ion & Sedimentation							
		4. Post Construction Stormwater Plan							
		Iscape/Lighting & De							
0.		List presence of floodplain, wetlands, steep slopes or any other environmental features on site:							
0	None	None							
15		-							
,									
19									
1.	List all va	ariances and special e	exceptions that will be requi	uired from t	he Zoning I	Hearing Board fo	for this application	n:	
17	Variance	e already obtained.							
				W.					
			,					. 17	
2.	List all zo	List all zoning changes, conditional uses and waivers that will be required for this application:							
	None								
IOI	<b>E</b> : Plan r	requirements can be	e found in The Code of th	he Townsl	hip of Bens	salem, Chapte	er 201		
			FOR MUNICIPAL						
ate	Received	I:							
ppli	ication Fee	e:							
scr									



Required/Permitted
a. Lot Area - 15,000 SF
b. Lot Width at BSBL - 75 ft. min.
c. Building Area - 35% max.
d. Impervious Surface Area - 55% max.
e. Front Yard - 75 ft. min.
f. Side Yard - 20 ft or 0 ft. for attached structure g. Rear Yard - 30 ft. min.
h. Building Height - 40 ft.
i. Buffer Yard - Not applicable 5. Zoning: L-I - Light Industrial District Existing Use: 12 - Warehousing and Storage Proposed Use: 12 - Warehousing and Storage Area to original centerline and title line = 87,124 SF or 2.0001 Acres Area to Legal Right-of Way line = 83,452 SF or 1.9158 Acres Area to Ultimate Right-of-Way line = 80,447 SF or 1.8468 Acres VIP Wireless c/o Greg Berger 1366 Ford Road Bensalem, PA 19020 215-671-9700 d: 1411 (One) Ford Road, LLC c/o Daniel Snyder 113 South 21st Street Philadelphia, PA 19103 Provided 80,447 SF or 1. 222.53 ft. 49.2% \* 76.1% \*\* 49.02 ft. \*\* 2.00 ft. \*\* 85.24 ft. less than 40 ft. None

\*\* Existing Non-conforming.

The existing impervious coverage is 92.7%, which is an existing non represents a 16.6% reduction.

informity. The proposed impervious

is 76.1% which

REVIEWED & THIS \_\_\_\_\_

APPROVED BY THE BENSALEM TOWNSHIP PLANNING COMMISSION

COMMISSION EXPIRES

NOTARY PUBLIC

REVIEWED BY

THE BENSALEM TOWNSHIP ENGINEER

7H/S 20\_

WHO ACKNOWLEDGED THIS PLAN TO BE THE OFFICIAL PLAN OF
STREETS AND PROPERTY SHOWN THEREON, SITUATE IN THE TOWNSHIP
OF BENSALEM, COUNTY OF BUCKS, COMMONWEALTH OF PENNSYLVANIA,
AND DESIRED THAT THIS PLAN BE RECORDED ACCORDING TO LAW.

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF BUCKS

ON THE \_\_\_\_\_DAY OF \_\_\_\_

20\_\_\_\_\_\_BEFORE ME, THE SUBSCRIBER, A NOTARY PUBLIC OF COMMONWEALTH OF PENNSYLVANIA, PERSONALLY APPEARED

THE

WITNESS OUR HAND AND SEAL THIS

TO ALL TO WHOM THESE PRESENTS SHALL COME, WE SEND GREETINGS KNOW YE THAT WE HAVE LAID OUT UPON A PORTION OF OUR LAND SITUATE IN THE TOWNSHIP OF BENSALEM, COUNTY OF BUCKS, COMMONWEALTH OF PENNSYLVANIA, CERTAIN LOTS & STREETS ACCORDING TO THE ACCOMPANYING PLAN WHICH IS INTENDED TO BE RECORDED.

ng loading areas are propos

6. Required Parking - Manufacturing and Industrial use. One (1) off street parking space per employees on the largest shift who either works within the facility or who serves as a driver or other outside activity. Based on the applicant there will be 20 employees. Therefore 20 spaces are required.

Provided Parking - 23 spaces including 1 Handicap accessible space.

8. Public sanitary sewer service is provided by the Bucks County Water and Sewer Authority and Aqua Water Company provides public water service. No service laterals are proposed, the existing service laterals shall be utilized.

9. Property boundary and topographic information was determined from field survey by Eastern/Chadrow Associates, Inc. in January 2016 and represents site conditions at that time. Various deeds, plans and other information of record was utilized to determine the property boundary. This Plan was prepared without the benefit of a title report. The Datum of Topography is U.S.C. & G.S. Site benchmark is the rim of the sanitary sewer manhole located in Ford Road.

RECORDED IN THE OFFICE OF THE "RECORDER DO'YLESTOWN, PENNSYLVANIA, IN PLAN BOOK ON THE \_\_\_\_\_\_ DAY OF \_\_\_\_

OF DEEDS" AT PAGE

20\_

APPROVED BY THE BUCKS COUNTY PLANNING COMMISSION THIS

TOWNSHIP ENGINEER

APPROVED DAY

OF\_

THE

BENSALEM

TOWNSHIP

COUNCIL \_, 20\_\_\_

10. There are no floodplains located on the site based on FEMA Flood Insurance Rate Map number 42017C0506J Map revised March 16, 2015. No watercourses or other natural resources are located on the site. No hydric soils are located on the site. In accordance with the USDA National Resources Conservation Service, the onsite soils are UfuB - Urban Land, 0% to 8% slopes.

11. The site is tributary to the Neshaminy Creek Watershed management district C. PA Chapter 93 classification is WWF (warm water fishes) - MF (migratory fishes). Stormwater management shall be provided in accordance with Bensalem Township ordina requirements.

12. Based on the PNDI search results performed on March 16, 2016 no potential impacts were identified.

13. These drawings indicate the approximate location of existing subsurface utilities in the vicinity of the project and are not guaranteed for accuracy and/or completeness. Pennsylvania Act 187 as amended requires that contractors determine the locatio utility, sewerage and water lines before commencing construction. PA One Call 1-800-242-1776. Serial number 20160291717.

14. All construction materials and specifications shall be in accordance with Bensalem Township, PADEP, PennDOT, County Conservation District and all other applicable regulatory agency requirements.

16. The engineer of record herein is not responsible for job site safety or construction supervision nor has he been retained for such purposes.

17. Neither the professional activities of Eastern/Chadrow Associates, Inc. (ECA) nor the presence of ECA or its employees and sub consultants at a construction project site, shall relieve the general contractor of its obligations, duties and responsibilities including, but not limited to, construction means, methods, sequence, techniques, or procedures necessary for performing, superintending and coordinating the work in accordance with the contract documents and any health or safety precautions required by any regulatory agencies. ECA and its personnel have no authority to exercise any control over any construction contractor or its employees in connection with their work or any health or safety programs or procedures. The general contractor shall be solely responsible for job site safety. ECA shall be indemnified by the general contractor.

18. If the contractor deviates from the plans and specifications, including the notes contained thereon, without first obtaining prior written authorizations for such deviations from the owner and engineer, it shall be responsible for the payment of all costs to correct any work done, fines or penalties assessed with respect thereto and all compensatory or punitive damages resulting there from and it shall indemnify and hold the owner and engineer harmless from all such costs to correct any work and from all such fines and penalties, compensation and punitive damages and costs of any nature resulting there from.

List of Variances Obtained

The applicant respectfully requests variances from the following sections of the Bensalem Township zoning ordinance (ZO): Appeal# 2016-492, Hearing Date May 5, 2016

1. ZO Section 232-533. (2) - To permit a maximum building coverage of 49.2% which exceeds the permitted maximum of 35%.

イスダル

SHEET INDEX

PRELIMINARY PLAN OF LAND DEVELOPMENT
EXISTING FEATURES/DEMOLITION PLAN
EROSION & SEDIMENTATION CONTROL PLAN
POST CONSTRUCTION STORMWATER
MANAGEMENT PLAN
MANAGEMENT PLAN
LIGHTING & LANDSCAPING/SITE CONSTRUCTION
DETAILS

2. ZO Section 232-533. (3) b.1 - To permit a side yard of less than 20 feet. The existing side yard is 2.00 ft., which is an existing non conformity. The applicant proposes to maintain the same side yard as the existing building.

The applicant proposes to request ordinance (SALDO): from the following sections of the Bensalem Township subdivision and land development

1. SALDO Section 201-104(b)(1) - Street right-of-way, cartway widths and other street standards. To not require roadway widening or curbs along the property frontage as requires by SALDO section 201-110 and to not require sidewalks along the property frontage as required by SALDO section 201-111.

COMM.#9166 FB-335/62

RENCE J. BYRNE ESSIONAL ENGINEER ENSE No.40487 EDMUND A. CHADROW, III ROFESSIONAL LAND SURVEYOR LICENSE No.75128

PROFESSIONAL
LAWRENCE J. BYRNE
ENGINEER
40487-E PROFESSIONAL PROFESSIONAL LAND SURVEYOR NO. 75128 SCALE: 1"=30'

PRELIMINARY PLAN OF LAND DE PART OF LOT Nos.23 & 24, LE PARK SUBDIVISION

BENSALEM TOWNSHIP, BUCKS COUNMADE FOR MADE FOR COUNTY, DEVELOPMENT , BRIDGEWATER INDUSTRIAL PENNSYLVANIA

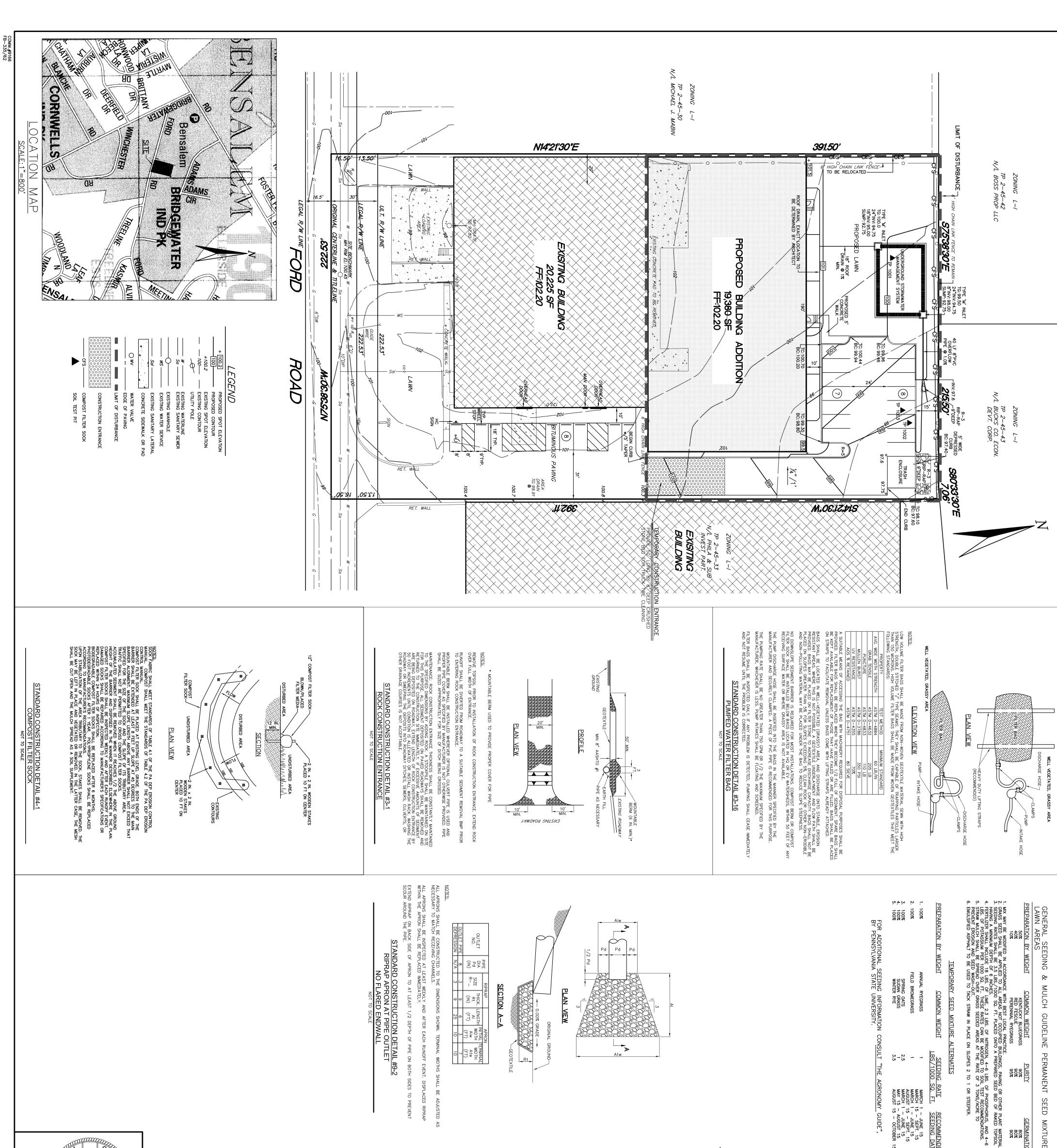
**WIRELESS** HOLDINGS, 13 JULY

2013

EASTERN/CHADROW
333 E. STREET ROAD \* WARMINSTER, PA. 18974 \* ASSOCIATES, INC.

E-2466-

CORNWELLS Bensalem OCATION MAP SCALE: 1"=800" N14°21'30'E *391.50*′ TP 2-45-42 N/L BOSS PROP LLC HIGH CHAIN LINK FENCE—TO BE RELOCATED— R/W LINE FORD ROAD N.2538:30.W S8033'30'E 7.06' .95°91 M.OE.IZ.VIS .W.Z6E REGISTERED OF PROFESSIONAL PROFESSIONAL ENGINEER 40487-E LAWRENCE J. BYRNE PROFESSIONAL ENGINEER LICENSE No.40487 PROFESSIONAL PROFESSIONAL LAND SURVEYOR NO. 75128 EDMUND A. CHADROW, III PROFESSIONAL LAND SURVEYOR LICENSE No.75128 EXISTING FEATURES/DEMOLITION PLAN
PART OF LOT Nos.23 & 24, BRIDGEWATER INDUSTRIAL
PARK SUBDIVISION
BENSALEM TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA
MADE FOR
WIP WIRELESS HOI DINIO SCALE: 1"=30' EASTERN/CHADROW ASSOCIATES, INC.
333 E. STREET ROAD \* WARMINSTER, PA. 18974 \* (215) 672-8671 FAX (215) 672-6765
EST. 1967 WIRELESS HOLDINGS, LLC. 2 of 5 13 JULY 2013 E-2466-2



GERMINATION 80% 80% 90% MIXTURE-

PERMANENT SURFACE MATERIALS SHALL BE PLACED AS SOON AS CONST OPERATIONS ALLOW, IN ACCORDANCE WITH GUIDELINES ON THE PLANS.

EROSION AND SEDIMENT CONTROL NOTES

DATE PROJECT TO BEGIN:
DATE OF FINAL STABILIZATION:

A TEMPORARY CONSTRUCTION ENTRANCE SHALL BE INSTALLED AS SHOWN
ON THE PLAN.

The operator/responsible person (O/RP) on site shall assure that the approved erosion and sediment control plan is properly and completely implemented.

Stockpile heights must not exceed 35 feet; stockpile slopes

EROSION/SEDIMENT CONTROL PLAN STANDARD NOTES

Immediately upon discovering unforeseen circumstances posing the potential for accelerated erosion and/or sediment pollution, the O/RP shall implement appropriate Best Management Practices (BMPs) to eliminate the potential for accelerated erosion and/or sediment pollution.

TEMPORARY SEED MIXTURE

ALL AREAS OF SURFACE DISTURBANCE SUBJECT TO STORMWATER RUNOFF
SHALL BE SEEDED AND MULCHED IMMEDIATELY. STATE REGULATIONS REQUIRE
THAT UPON COMPLETION OR TEMPORARY CESSATION OF THE EARTH DISTURBANCE
ACTIVITY, OR ANY STAGE THEREOF, THE PROJECT SITE SHALL BE IMMEDIATELY
STABILIZED, AS FOLLOWS:

1) PERFORM CULTURAL OPERATIONS AT RIGHT ANGLES TO SLOPE.
2) APPLY LIMESTONE UNIFORMLY © 100 LBS. PER 1,000 SQ. FT.
3) APPLY 10-10-10 FERTILIZER © 10 LBS. PER 1,000 SQ. FT.
4) WORK IN LIME AND FERTILIZER TO A DEPTH OF 4 INCHES USING SUITABLE
EQUIPMENT.
5) APPLY WINTER RYE © 3.5 LBS. PER 1,000 SQ. FT.
6) COVER RYE WITH 2 INCHES OF SOIL OR SUITABLE MATERIAL. RATE MAY BE
ALTERED ACCORDING TO TESTS MADE AT SITE OR, AFTER OCTOBER 15TH.
2) ALTERED ACCORDING TO TESTS MADE AT SITE OR, AFTER OCTOBER 1.000 SQ.
57. MULCH WITH SMALL GRAIN STRAW AT A RATE OF 137 LBS. PER 1,000 SQ.
61. OR 3 TONS PER ACRE.
8) DURING NON-CERMINATING PERIODS (BETWEEN OCTOBER 15 AND MARCH 1)
TEMPORARY VEGETATIVE COVER SHALL BE ESTABLISHED BY MULCHING WITH
SMALL GRAIN STRAW AT A RATE OF 137 LBS. PER 1,000 SQ. FT., OR 3
TONS PER ACRE. CONSULT THE AGRONOMY GUIDE, 2005-2006 FOR OTHER

STATE AND LOCAL LAWS CONCERNING POLLUTION ABATEMENT SHALL BE FOLLOWED. SHOULD UNFORESEEN EROSION CONDITIONS DEVELOP DURING CONSTRUCTION, THE CONTRACTOR SHALL TAKE ACTION TO REMEDY SUCH CONDITIONS AND TO PREVENT DAMAGE TO ADJACENT PROPERTIES AS A RESULT OF INCREASED RUNOFF AND/OR SEDIMENT DISPLACEMENT. SPECIAL ATTENTION SHOULD BE GIVEN TO FROZEN SLOPES. STOCKPILES OF WOOD CHIPS, HAY BALES, CRUSHED STONE AND OTHER MULCHES SHALL BE HELD IN READINESS TO DEAL IMMEDIATELY WITH EMERGENCY PROBLEMS OF EROSION.

THE DETENTION BASIN/and or DRYWELLS ON SITE ARE PERMANENT FACILITES & SHALL NOT BE ALTERED. THE INDIVIDUAL OWNER, THEIR SUCCESSORS OR ASSIGNS, SHALL BE RESPONSIBLE FOR THE PERPETUAL MAINTENANCE (GRASS CUTTING, CLEANUP OF LEAVES, DEBRIS, SEDIMENT, ETC.), GRADES & ELEVATIONS OF SAID FACILITIES & SHALL DO NOTHING TO ALTER SAME. THE INDIVIDUAL OWNER, THEIR SUCCESSORS OR ASSIGNS, SHALL LIKEWISE BE RESPONSIBLE TO MAINTAIN THE FACILITIES & OR ASSIGNS, SHALL LIKEWISE BE RESPONSIBLE TO MAINTAIN THE FACILITIES OF RELATED STORM SEWER PIPES IN A REASONABLY NEAT & WELL KEPT CONDITION.

CONSTRUCTION SEQUENCE

ALL EARTH DISTURBANCE ACTIVITIES SHALL PROCEED IN ACCORDANCE WITH THE FOLLOWING SEQUENCE. EACH STAGE SHALL BE COMPLETED BEFORE ANY FOLLOWING STAGE INITIATED. CLEARING & GRUBBING SHALL BE LIMITED TO THOSE AREAS DESCRIBED IN EACH STAGE.

At least 3 days before starting any earth disturbance activities, all contractors involved in those activities shall notify the Pennsylvania One Call System, Inc. at 1-800-242-1776. for buried utilities locations.

At least 7 days before starting any earth disturbance activities, the operator shall invite all contractors involved in those activities, the landowner, all appropriate municipal officials, the erosion & sediment control plan preparer, & the County Conservation District.

STAGE storm 1 — Install construction entrance & compost filter sock in accordance le details. Remove crushed stone parking area to an approved landfill amediately stabilize all exposed areas with temporary seed mixture & All erosion & stabilization control must be implemented before ding to Stage 2.

STAGE 3 — Upon completion of Stage 2, complete construction of addition, stormwater system, parking lot, & final grades as per the approved plans. Distribute topsoil & stabilize disturbed areas in accordance with the seeding & mulching guidelines found on the plans. After final site stabilization has been acheived, temporary erosion & sediment BMP controls must be removed. Areas disturbed during removal of the BMP's must be stabilized immediately. Immediately after earth disturbance activities cease, the operator shall stabilize any activities disturbed by the activities. during non—germinating periods, mulch must be applied at the specified rates. Disturbed areas which are not at finished grade & which will be redisturbed within one year must be stabilized in accordance with the temporary vegetation stabilizing specifications. Disturbed areas which are at finished grade or which will not be redisturbed within one year must be stabilized in accordance with the permanent vegetative stabilization specifications. An area shall be considered to have achieved final stabilization when it has a minimum uniform 70% perennial vegetative cover or other non-vegetative cover with a density sufficient to resist accelerated surface erosion & subsurface characteristics sufficient to resist sliding & other movements.

The O/RP shall assure that an erosion and sediment control plan has been prepared and approved by the County Conservation District and is being implemented and maintained for all soils and/or rock spoil and borrow areas regardless of their locations.

NO PORTION OF THE SUBJECT PROPERTY IS DESIGNATED AS WETLANDS ACCORDING TO NATIONAL WETLANDS INVENTORY MAPS.

Erosion and sediment BMPs must be constructed, stabilized and functional before site disturbance begins within the tributary areas of those BMPs.

After final site stabilization has been achieved, temporary erosion and sediment BMP controls must be removed. Areas disturbed during the removal of the BMPs must be stabilized immediately.

A copy of the approved erosion and sediment control plan must be available on the project site at all times.

All pumping of sediment-laden water shall be through a sediment control BMP uch as a pumped water filter bag discharging over an undisturbed area.

RECYCLING & DISPOSAL NOTE

RECYCLING & DISPOSAL NOTE

ANY FILL OR TOPSOIL TAKEN FROM SITE SHOULD BE TAKEN TO A SITE WITH AN APPROVED E & S PLAN.

ANY MATERIALS THAT CAN BE RECYCLED SHOULD BE COMPLETED ACCORDING TO LOCAL, COUNTY, STATE & FEDERAL LAWS.

THE OPERATOR SHALL REMOVE FROM THIS SITE, RECYCLE OR DISPOSE OF ALL BUILDING MATERIALS & WASTES IN ACCORDANCE WITH THE DEPARTMENT'S SOLID WASTE MANAGEMENT REGULATIONS AT 25 PG. COGE 260.1 et seq., 271.1 et seq. THE CONTRACTOR SHALL NOT ILLEGALLY BURY, DUMP OR DISCHARGE ANY BUILDING MATERIAL OR WASTES AT THIS SITE.

At least seven (7) days before starting any earth disturbance activity, the O/RP shall invite all contractors involved in that activity, the landowner, all appropriate municipal officials, the erosion and sediment control plan designer and the County Conservation District to a pre-construction meeting. Also, at least three (3) days before starting any earth disturbance activity, all contractors involved in that activity shall notify the Pennsylvania One-Call System Inc. at 1-800-242-1776 to determine any underground utilities locations.

E 2 — Upon completion of Stage 1 begin construction of addition, water sytem & parking lot. Inspect compost filter sock after every fevent. Sediment must be removed where accumulations reach ½ the ground height of the filter sock. Any sediment on roadway will be ad immediately. Stage 2 must be implemented before proceeding to

On buffers, clearings, sod disturbances and excavations, equipment traffic should be minimized. Activity such as stacking logs, burning cleared brush, discharged rainwater from trenches, welding pipe sections, refueling and maintaining equipment should be avoided within buffer zones.

An area shall be considered to have achieved final stabilization when it has a minimum uniform 70% vegetative or other permanent non-vegetative cover with density sufficient to resist accelerated surface erosion and subsurface characteristics sufficient to resist sliding and other movements.

Disturbed areas that are at a finished grade or which will not be re-disturbed within one year must be stabilized in accordance with permanent vegetative stabilization specifications.

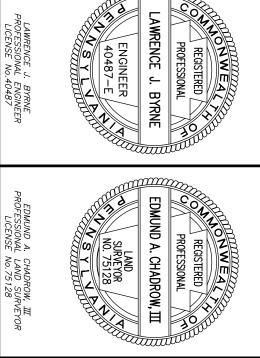
Immediately after earth disturbance activity ceases, the O/RP shall stabilize any areas disturbed by the activity. During non-germinating periods, mulch must be applied at specified rates. Disturbed areas that are not finished grade and which will be re-disturbed within one year must be stabilized in accordance with temporary vegetative stabilization specifications.

Until a site is stabilized, all erosion and sediment BMPs must be maintained properly. Maintenance must include inspections of all erosion control BMPs after each runoff event and on a weekly basis. All preventative and remedial maintenance work, including cleanout, repair, replacement, re-grading, re-seeding, re-mulching and re0netting must be performed immediately. If erosion and sediment control BMPs fail to perform as expected, replacement BMPs, or modifications of those installed, will be required. Sediment removed from BMPs shall be disposed of on-site in landscaped areas outside of steep slopes, wetlands, floodplains or drainage swales and immediately stabilized or placed in soil stockpiles and stabilized.

All building material and wastes must be removed from the site and recycled in accordance with DEP's Solid Waste Regulations (25 PA Code 260.1 et seq., 271.1 et seq., and 287.1 et seq.) and/or any additional local, state or federal regulations. No building materials (used or unused) or waste materials shall be burned, buried, dumped, or discharged at the site.

AREA TO BE DISTURBED IS APPROXIMATELY =

Mud, sediment or debris that is tracked from the site onto public right of way shall be immediately removed by mechanical means to the satisfaction of the Township and/or the County Conservation District. Use of backhoe buckets to scrape roadway surfaces shall be prohibited. If conditions are deemed hazardous to motor vehicles, mud shall be pressure washed from the cartway. All sediment laden water must be filtered in a manner satisfactory to the Township and/or Conservation District prior to entering swales, storm sewer, basin and/or wetlands. The developer shall be responsible for enforcement of street cleaning requirements onto subcontractors.



PART OF LOT Nos.23 & PARK SUBDIVISION
BENSALEM TOWNSHIP, BUCKS **BUCKS** B CONTROL COUNTY, BRIDGEWATER INDUSTRIAL PENNSYLVANIA

**WIRELESS** HOLDINGS,

SCALE: 1"=30" EASTERN/CHADROW W ASSOCIATES, 13 JULY 2013 INC.

-2466-3

COMM.#9166 FB-335/62 CORNWELLS Bensalem N14°21'30'E 391.50' TP 2-45-42 N/L BOSS PROP LLC HIGH CHAIN LINK FENCE TO BE RELOCATED FOSTER L BRIDGEWATER MAP CENTERLINE & LINE FORD PROPOSED EXISITING BUILDING 20,225 SF TITELINE ALVII BUILDING 19,380-SF FF:102.20 ADDITION ROAD N7538307W TP 2-45-43 L BUCKS CO. ECON. DEVT. CORP. S8033'30'E 7.06' 1/1"/1" .05.91 M.08.12.71S ×.41.76E TC: 98.10 BC: 97.60 - END CUF 4. Complete site elevation grading and stabilize the soil disturbed within the limit of disturbance. Do not finalize the subsurface infiltration system's excavation and construction until the drainage area is fully stabilized.

5. Excavate subsurface infiltration area to proposed invert depth and manually grade and scarify the existing soil surface. The bottom of the infiltration bed shall be at a level grade.

6. Existing subgrade shall NOT be compacted or subject to excessive construction equipment prior to placement of geotextile and stone bed. If it is essential that equipment be used in the excavated area, all equipment must be approved by the Engineer. Use of equipment with narrow tracks or tires, rubber tires with large lugs, or high pressure tires will cause excessive compaction and shall not be used. Should the subgrade be compacted during construction additional testing of soil infiltration rates and system redesign may be required.

7. Place geotextile and recharge bed aggregate immediately after approval of subgrade preparation to prevent accumulation of debris or sediment. Prevent runoff and sediment from entering the storage bed during the placement of the geotextile and aggregate bed.

8. Place geotextile in accordance with manufacturer's standards and recommendations.

Adjacent strips of filter fabric shall overlap a minimum of 16 inches. Fabric shall be secured at least 4 feet outside of bed.

9. Install aggregate course in lifts of 6-8 inches. Lightly compact each layer with equipment, keeping equipment movement over storage bed subgrades to a minimum. Install aggregate to grades indicated on the drawings. Refer to ADS Storm Pipe Manufacturers Technical General Notes and latest Installation Instructions prior to beginning system installation. Shop drawing of the proposed system materials shall be provided to the municipal engineer prior to system installation. Underground Basin Construction Sequence and Guidelines 2. ALL RETENTION AND DETENTION SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH ASTM D2321, LATEST EDITION AND THE MANUFACTURER'S PUBLISHED INSTALLATION GUIDELINES. ng equipment movement over storage bed subgrades to a minimum. Install ags indicated on the drawings.

Simplete surface grading above subsurface infiltration system, using suitable reight construction equipment and operate the machinery outside the basin where the avoid excess compaction. INITIAL BACKFILL: SUITABLE MATERIAL SHALL BE CLASS I OR II IN THE PIPE ZONE EXTENDING NOT LESS THAN 6" (152 mm) ABOVE CROWN OF PIPE. THE CONTRACTOR SHALL PROVIDE DOCUMENTATION FOR MATERIAL SPECIFICATION TO ENGINEER. MATERIAL SHALL BE INSTALLED AS REQUIRED IN ASTM D2321, LATEST EDITION. FOUNDATION: WHERE THE TRENCH BOTTOM IS UNSTABLE. THE CONTRACTOR SHALL EXCAVATE TO A DEPTH REQUIRED BY THE ENGINEER AND REPLACE WITH SUITABLE MATERIAL AS SPECIFIED BY THE ENGINEER. AS AN ALTERNATIVE AND AT THE DISCRETION OF THE DESIGN ENGINEER, THE TRENCH BOTTOM MAY BE STABILIZED USING A GEOTEXTILE MATERIAL. ALL REFERENCES TO CLASS I OR II MATERIAL ARE PER ASTM D2321 "STANDARD PRACTICE FOR UNDERGROUND INSTALLATION OF THERMOPLASTIC PIPE FOR SEWERS AND OTHER GRAVITY FLOW APPLICATIONS", LATEST EDITION. FILTER FABRIC: A GEOTEXTILE FABRIC MAY BE USED AS SPECIFIED BY THE ENGINEER TO PREVENT THE MIGRATION OF FINES FROM THE NATIVE SOIL INTO THE SELECT BACKFILL MATERIAL. BEDDING: SUITABLE MATERIAL SHALL BE CLASS I OR II. THE CONTRACTOR SHALL PROVIDE DOCUMENTATION FOR MATERIAL SPECIFICATION TO ENGINEER. UNLESS OTHERWISE NOTED BY THE ENGINEER, MINIMUM BEDDING THICKNESS SHALL BE 4" (102 mm) FOR 4"-24" (100-600 mm); 6" (152 mm) FOR 30-60" (750-900 mm). MEASURES SHOULD BE TAKEN TO PREVENT THE MIGRATION OF NATIVE FINES INTO THE BACKFILL MATERIAL, WHEN REQUIRED. SEE ASTM D2321. TYPE 'M' INLET TOP UNIT 27" PLAN VIEW .1-1/4" X 1-1/4" X 1/8" (MIN.) DETAIL NIS TYPE AASHTO #57 STONE BASE, 8" MIN. DEPTH UNDERGROUND BASIN/OUTLET STRUCTURE DETAIL RADE ADJUSTMENT RINGS SHA
E MASONRY OR PRECAST
ONCRETE CONSTRUCTION

NOT TO SCALE TO GRADE As with all infiltration practices, underground basins require regular and effective maintenance to ensure prolonged functioning. The following represent minimum maintenance requirements for underground basins (UGB):

• Inspect UGB at least four times a year, as well as after every storm exceeding 1 inch.

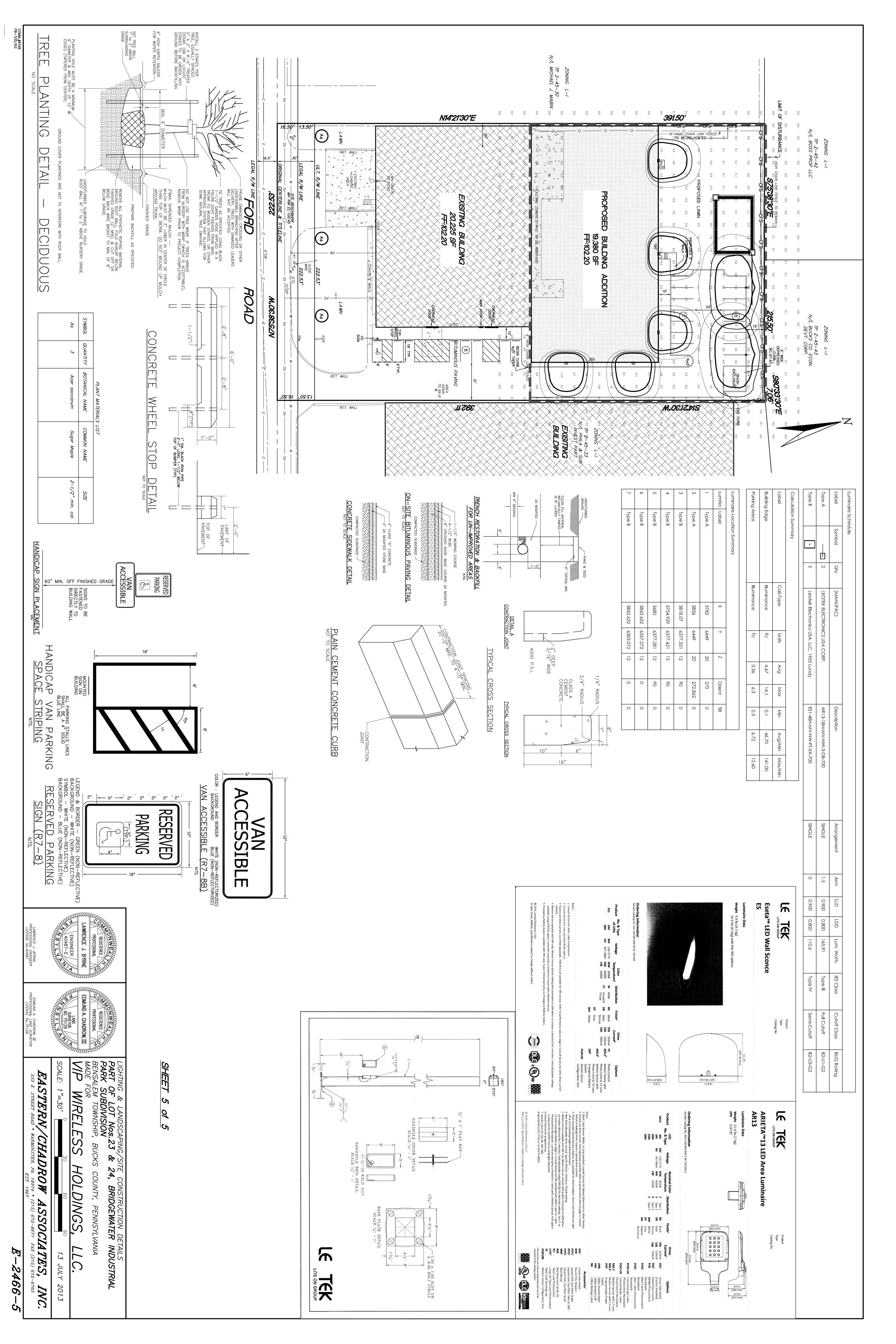
• Dispose of sediment, debris/trash, and any other waste material removed from a UGB at a suitable disposal/recycling sites and in compliance with local, state, and federal **Underground Basin Maintenance Issues** TYPE 'M' INLET CONCRETE TOP UNIT GRADE ADJUSTMENT RIN If fill material containing demolition debris is encountered during construction of the underground basin, this material shall be removed in the area of the underground basin and then an impermeable liner shall be installed on the sides of the underground basin. Underground Basin Note: Evaluate the drain-down time of the UGB to ensure the maximum time of 72 hours is not being exceeded. If drain-down times are exceeding the maximum, drain the UGB via pumping and clean out perforated piping, if included. If slow drainage persists, the system may need replacing.
Regularly clean out gutters and ensure proper connections to facilitate the effectiveness of the undergroung basin.
Replace filter screen that intercepts roof runoff as necessary.
If an intermediate sump box exists, clean it out at least once per year.
The storage chambers can be cleaned by using a water jet to flush the sediment to the inlets. Care should be taken to prevent tearing of the geotextile fabric or dislodging the stone bedding. JTLET STRUCTURE TOP EL: 99.5 UNDERGROUND I, LAWRENCE J. BYRNE, P.E. HEREBY CERTIFY THAT THE STORMWATER MANAGEMENT PLAN MEETS ALL DESIGN STANDARDS & CRITERIA OF THE NESHAMINY CREEK WATERSHED ACT 167 STORMWATER MANAGEMENT ORDINANCE &/or PLAN. REVIEWED BY THE MUNICIPAL <u>OMNER CERTIFICATION</u>

Any revision of the approved stormwater management plan must be approved by the Municipality & that a revised E & S Plan must be submitted to the Conservation District for a determination of adequacy. PROPOSED UNDERGROUND MANAGEMENT SYSTEM; SHOP DRAWNGS WILL BE SUBMITTED TO THE TOWNSHIP ENGINEER FOR REVIEW PRIOR TO ITS CONSTRUCTION. MUNICIPAL ENGINEER ENGINEER BASIN 1" DIA. W Date PLAN VIEW 0 8"OUTLET PIPE 0 = TOP OF STONE EL:98.08 18"ADS FROM STORM SYSTEM SECTION NTS. 20 2'x4' INLET w/ NOT SHOWN FOR CLARITY) REGISTERED PROFESSIONAL

LAWRENCE J. BYRNE

ENGINEER

40487-E 7+07-E RENCE J. BYRNE ESSIONAL ENGINEER ENSE No.40487 1. ALL REFERENCES TO CLASS I OR II MATERIAL ARE PER ASTM D23 "STANDARD PRACTICE FOR UNDERGROUND INSTALLATION OF THERMOPLASTIC PIPE FOR SEWERS AND OTHER GRAVITY FLOW APPLICATIONS", LATEST EDITION. FILTER FABRIC: A GEOTEXTILE FABRIC MAY BE USED AS SPECIFIED BY THE ENGINEER TO PREVENT THE MIGRATION OF FINES FROM THE NATIVE SOIL INTO THE SELECT BACKFILL MATERIAL. MEASURES SHOULD BE TAKEN TO PREVENT THE MIGRATION OF NATIVE FINES INTO THE BACKFILL MATERIAL, WHEN REQUIRED. SEE ASTM D2321. ALL RETENTION AND DETENTION SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH ASTM D2321, LATEST EDITION AND THE MANUFACTURER'S PUBLISHED INSTALLATION GUIDELINES. FOUNDATION: WHERE THE TRENCH BOTTOM IS UNSTABLE. THE CONTRACTOR SHALL EXCAVATE TO A DEPTH REQUIRED BY THE ENGINEER AND REPLACE WITH SUITABLE MATERIAL AS SPECIFIED BY THE ENGINEER. AS AN ALTERNATIVE AND AT THE DISCRETION OF THE DESIGN ENGINEER, THE TRENCH BOTTOM MAY BE STABILIZED USING A GEOTEXTILE MATERIAL. UNDERGROUND CLASS I OR II MATERIAL
PLACED AND COMPACTED IN
ACCORDANCE WITH
ASTM D2321 IN PIPE ZONE REGISTERED ON PROFESSIONAL MADEROW, III EDMUND A. CHADROW, III ROFESSIONAL LAND SURVEYOR LICENSE No.75128 (<u>-</u>) 4 UNDERGROUND LAND SURVEYOR NO. 75128 MAXIMUM FILL HEIGHTS OVER MANIFOLD FITTINGS. CONTACT MANUFACTURENT INSTALLATION CONSIDERATIONS WHEN COVER EXCEEDS 8 FT  $(2.4~\mathrm{m})$ . FINAL FILL MATERIAL PROJECT SPECIFICATIONS) NOMINAL O.D. 28" (711 mm) 2'x4' TYPE 'M' INLET OUTLET CONTROL STRUCTURE STORMWATER POST CONSTRUCTION STORMWATER PART OF LOT Nos.23 & 24, I PARK SUBDIVISION
BENSALEM TOWNSHIP, BUCKS COU SCALE: 1"=30" EASTERN/ STORMWATER **WIRELESS** 4 9 S SYSTEM-INITIAL BACKFILL: SUITABLE MATERIAL SHALL BE CLASS I OR II IN THE PIPE ZONE EXTENDING NOT LESS THAN 6" (152 mm) ABOVE CROWN OF PIPE. THE CONTRACTOR SHALL PROVIDE DOCUMENTATION FOR MATERIAL SPECIFICATION TO ENGINEER. MATERIAL SHALL BE INSTALLED AS REQUIRED IN ASTM D2321, LATEST EDITION. BILL OF MATERIALS
TITIES LISTED HEREIN ARE NOT INTENDED TO BE A COMPREHIOD HEREIN, MAY BE NECESSARY TO COMPLETE THE CONSTRUCTION MATERIAL HDPE HDPE HDPE HDPE CHADROW SYSTEM-PL 10" (TYP EXCAVATION LIMITS) HOLDINGS, 18" HDPE INFLOW FROM ROOF DRAIN COUNTY, -CROSS BEDDING (CLASS I OR II MATERIAL) 4" (102 mm) MIN. FOR 24" (600 mm) PIPE NON WOVEN ADS GEOTEXTILE FABRIC BRIDGEWATER MAX. H\* \* (215) 672-8671 FAX (215) 672 PENNSYL VANIA A **SECTION** VIEW INDUSTRIAL E-2466-13 JULY 2013 INC.





777 Township Line Road Suite 250 Yardley, Pennsylvania 19067 215.579.7700 *main* | 215.579.9248 *fax* 

www.hillwallack.com

June 3, 2016

Via Certified Mail RRR & First Class Mail, Postage Prepaid

VIP Wireless Holdings, LLC

Attn: Greg Berger 1366 Ford Road Bensalem, PA 19020

Re:

Bensalem Township Zoning Hearing Board Appeal No: 2016-492

Property: 1411 Ford Road, Bensalem, PA

Dear Mr. Berger:

Enclosed you will find the Board's formal decision, with findings of fact and conclusions of law, with respect to your zoning application heard by the Board on May 5, 2016. The Board GRANTED your request for a variance from the zoning ordinance regarding building coverage and side yard setbacks. Please keep in mind that any party not satisfied with the Board's decision has thirty (30) days from today's date within which to file an appeal with the Court of Common Pleas of Bucks County, Pennsylvania. Therefore, you should proceed with caution.

If you have any questions regarding the contents of this decision, or your legal rights, you should speak with an attorney of your choice.

Very truly yours,

Barbara M. Kirk, Esquire

BMK:tec Enclosure

cc:

Thomas R. Hecker, Esquire (w/encl., via email)

Matthew K. Takita, Township Zoning Officer (w/encl., via email)

Loretta Alston, Township Clerk Typist (w/encl., via email)

# ZONING HEARING BOARD OF BENSALEM TOWNSHIP BUCKS COUNTY, PENNSYLVANIA

**Applicant:** 

VIP Wireless Holdings, LLC

Attention: Greg Berger, VP Operations

1366 Ford Road

Bensalem, PA 19020

**Applicant's Attorney:** 

Thomas R. Hecker, Esquire Begley, Carlin & Mandio, LLP

680 Middletown Boulevard Langhorne, PA 19047

Appeal No.:

2016-492

Owner of the Property:

Applicant listed above

Subject Property:

1411 Ford Road

Bensalem, PA 19020

Bucks Co. TMP #02-045-031-001

**Prayer of Application:** 

Applicant seeks variances from Sections 232-533(2)

and 232-533(3)(b)(1) of the Township's Zoning Code regarding building coverage and side yard setbacks for expansion of existing building

Time & Place of Hearing:

May 5, 2016 at 7:30 p.m.

Bensalem Township Municipal Building

2400 Byberry Road

Bensalem, Pennsylvania, 19020

#### FINDINGS OF FACT

- 1. Applicant is the owner of the subject property and has the requisite interest in the subject premises to present this application to the Board.
- 2. The Zoning Hearing Board of Bensalem Township met the requirements of the Zoning Ordinance ("Ordinance") and the Pennsylvania Municipalities Planning Code of the requisite legal notices of the hearing held on May 5, 2016.
- 3. Notice of the hearing was duly posted at the subject property as required by the Ordinance.

- 4. Notices of the hearing were mailed to residents and property owners in accordance with the Ordinance and the Pennsylvania Municipalities Planning Code, as set forth in the Certificate of Service provided by Applicant.
- 5. The subject property is located in the LI Light Industrial Zoning District in accordance with the Township's Zoning Map and pursuant to the Ordinance.
  - 6. Applicant submitted and the following exhibits were admitted into evidence:
    - A-1 Zoning application with accompanying documents
    - A-2 Site plan for the subject property
    - A-3 Certificate of service
  - 7. The Board also admitted the following additional exhibits:
    - B-1 ZHB solicitor notice letter to applicant's attorney with sample documents
- B-2 Proof of publication of the legal advertisement placed in the *Bucks County Courier Times* advertising the hearing held on May 5, 2016.
  - B-3 Proof of posting notice of hearing at the property.
- 8. The subject property consists of 1.8 acres of land with an existing building of 20,225 square feet, previously used for storage and warehouse, with existing off-street parking areas.
- 9. Applicant acquired the property for its existing mobile phone distribution business operations.
- 10. Applicant operates a distribution business of mobile cellular telephones which has been in operation for approximately twenty years.
- 11. Applicant currently operates the mobile phone distribution business from another facility located directly across the street from the subject property.
- 12. Applicant acquired the subject property as an extension of its existing packaging and distribution business, due to the increase in business customers and contracts.
- 13. Applicant intends to expand the existing warehouse building on the property by constructing a rear addition of 19,380 square feet which addition will align with the current building lines.

- 14. The proposed addition to the existing warehouse building will mirror the warehouse building across the street from the subject property.
- 15. The new building with the addition will continue to be used as a "pack and shipping" center for the Applicant's business operations.
- 16. All products and supplies are delivered to the Applicant's business by tractor trailers; however all outgoing distributions and deliveries will be accomplished via federal express or other similar delivery vehicles.
- 17. The rear of the existing building and proposed addition will continue to be used for off-street parking, and consists of crushed stone and/or broken asphalt.
- 18. The proposed addition will be constructed on a portion of the existing off-street parking area, thereby eliminating any increase in impervious surface coverage.
- 19. Applicant estimates that twenty-three parking spaces are available on the property for off-street parking.
- 20. Additional parking may be available by removal of overhead doors to the existing second accessory building on the property.
- 21. Applicant further intends to remove some of the existing crushed stone/asphalt in the front of the building to provide for "green" area.
- 22. Due to the alignment of the proposed addition to the existing building, a side yard of two feet is proposed, which is less than the otherwise required side yard setback of twenty feet.
- 23. The existing building on the property sits two feet from the property line; thus, the current side yard setback for the existing building is non-conforming.
- 24. The proposed addition will also increase the maximum building coverage which is otherwise limited to 35% of the net lot area.
- 25. Applicant, through its representatives, the vice-president of operations and the civil engineer for the project, confirmed that storm water management facilities, such as rain garden or depression, will be installed, if required by the Township during the land development review process.
- 26. Other than the Applicant's vice president of operations and the project engineer, no other residents testified in support of, or in opposition to, the application.

#### DISCUSSION AND CONCLUSIONS OF LAW

In determining whether the variances should be granted, the Board correctly considered the five criteria as set forth in the Pennsylvania Municipalities Planning Code:

- a. That the subject property consists of unique physical circumstances or conditions that are peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located;
- b. That because of such physical circumstances or conditions, the subject property cannot be developed in strict conformity with the provisions of the zoning ordinance and that a variance is necessary to enable the reasonable use of the property;
- c. That the unnecessary hardship has not been created by the appellant;
- d. That the variance, if authorized, will not alter the essential character of the neighborhood where the property is located nor will the variance substantially or permanently impair the appropriate use or development of adjacent properties nor be detrimental to public welfare; and
- e. That the variance, if granted, represents the minimum relief to the applicant and such variance represents the minimum modification possible of the regulation in issue. 53 P.S. §10910.2(1968).

When seeking a dimensional variance, the quantum of proof to establish unnecessary hardship is less strict than seeking an use variance. Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh, 721 A.2d 43, 48 (Pa. 1998). In considering whether or not to grant a dimensional variance, multiple factors are considered, such as economic hardship to the applicant, financial hardship to bring the property into compliance with local zoning regulations and characteristic of surrounding neighborhood. Id. at 50. A dimensional variance may be granted in limited situations where the proposed deviations are relatively minor. The decision of whether to grant or deny the variance is left to the discretion of the local zoning hearing board. Segal v. Zoning Hearing Board of Buckingham Township, 771 A.2d 90, 95 (Pa. Cmwlth. 2001).

In the instant application, Applicant seeks two dimensional variances regarding side yard setback and building coverage to construct an addition to the existing building for use in the Applicant's business operations. Firstly, the Board notes that the current building on the subject property is legally existing but does not conform to the current zoning regulations, in that the existing building has a northwesterly side yard of two feet, rather than the otherwise required twenty feet. As such, the Board acknowledges that the current building is an existing non-conforming structure. The proposed rear addition will be aligned with the existing building so that the northwesterly sides of the buildings provide a side yard setback of two feet.

Secondly, the property currently consists of a large warehouse and storage building, with a secondary detached accessory building, and off-street parking composed of crushed stone and/or broken asphalt. Other than a small green area in the front of the property, the property

itself is otherwise currently covered with impervious materials. Applicant intends to construct the rear addition to the building by placing the addition on existing impervious surface. Due to the size of the addition, and in an effort to maintain an overall facility similar to the warehouse facility across the street, Applicant will exceed the otherwise maximum building coverage otherwise permitted under the zoning regulations.

Based on the testimony provided by the Applicant, the Board determined that the variances requested by the Applicant are *de minimus*, and will not substantially affect the property or the surrounding properties. Accordingly, the Board granted the requested relief.

#### **DECISION AND ORDER**

AND NOW, this 2<sup>nd</sup> day of JUNE, 2016, after public hearing held on May 5, 2016, and pursuant to a public vote, five members voting in favor, the Zoning Hearing Board of Bensalem Township does hereby formally ADOPT the above FINDINGS OF FACT and DISCUSSION AND CONCLUSIONS OF LAW. The Board further RATIFIES its Decision of May 5, 2016 and does hereby Order and Direct that the Application for variances, as stated above, be and the same is GRANTED. Specifically, the Board does hereby grant the following relief:

- a. Variance from Section 232-533(2) of the Zoning Ordinance to permit building coverage of 49.2% which is greater than the maximum coverage otherwise permitted; and
- b. Variance from Section 533(3)(b)(1) to permit a side yard setback of two feet.

THIS WILL SERVE AS THE REQUIRED WRITTEN NOTICE AND DECISION THAT YOUR APPLICATION HAS BEEN HEARD AND A DECISION HAS BEEN MADE BY THE BENSALEM TOWNSHIP ZONING HEARING BOARD. IF YOU, OR ANY OTHER PARTY OF INTEREST, WISH TO APPEAL THIS DECISION, YOU MAY DO SO ACCORDING TO PENNSYLVANIA LAW, AND GENERALLY, YOU HAVE THIRTY (30) DAYS FROM THE DATE OF THIS NOTICE TO FILE AN APPEAL WITH THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA.

This is not a building permit or zoning permit. Building permits and zoning permits must be secured from the appropriate township officials prior to construction or use of the premises.

The grant of the variances does not relief the Applicant from complying with all other requirements of the Bensalem Township Zoning Ordinance, the Bensalem Township Subdivision and Land Development Ordinance, the Bensalem Township Building Code and Fire Codes, and all other applicable state, county and township ordinances and regulations.

On any Zoning Hearing Board decision approving proposed construction of any type requiring a building permit, such building permit must be secured within twelve (12) months of the date of the Decision granting a use variance and within twenty-four (24) months of the date of the Decision granting a dimension variance or the Zoning Hearing Board's approval is automatically voided.

BENSALEM TOWNSHIP ZONING HEARING BOARD

ANGELINE DOMANICO

GEORGE SEYMOUR

ALBERT CHAMPION

BENSALEM TOWNSHIP ZONING HEARING BOARD

GEORGE SEYMOUR

MICHAEL BRILL

#### CERTIFICATION OF DECISION:

I hereby certify that copies of the within Decision and Order were served upon Applicant, and his or her attorney by mailing a true and correct copy, by first class mail and certified mail, to the Applicant and his or her respective attorney on this 3<sup>rd</sup> day of June, 2016.

arbara M. Kirk, Esquire

Board Solicitor